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NANCY J. BLOCK  
PARTNERDIRECT DIAL: (212) 916-0966  
E-MAIL: blockn@mcblaw.com**Via ECF**The Honorable Roanne L. Mann  
United States District Court  
225 Cadman Plaza East  
Brooklyn, New York 11201Re: Gotlin v. Lederman, et al - 04-cv-3736  
MCB File No.: 333-78674

Dear Judge Mann:

As you know, we represent Staten Island University Hospital, North Shore-Long Island Jewish Health System, North Shore-Long Island Jewish Healthcare, Inc., as well as other corporate defendants. I am in receipt of Your Order dated today and am writing to respectfully request the opportunity to file opposition papers to what the Court has deemed plaintiff's "motion to reopen discovery."

In the first instance, it is defendants' position that plaintiff never filed a motion to reopen discovery. On June 14, 2012, plaintiff filed a letter with the Court requesting that a discovery conference be scheduled. This letter was not filed on ECF as a motion, but simply as a letter. In my experience, when a letter is filed via ECF there are explicit instructions outlined in red which advises that if the document is a motion or relief is requested, it should not be filed as a letter. Here, plaintiff filed the document as a letter and thus it should not be treated as a motion.

If, however, the Court is still inclined to consider plaintiff's letter as a motion, defendants respectfully request that we be permitted to file opposition to the motion. In response to plaintiff's June 14<sup>th</sup> letter, defendants immediately filed a letter objecting to plaintiff's request and added that we "would vehemently oppose any motion by plaintiffs to re-open discovery." It is critical that defendants be permitted to protect their rights and file a meaningful opposition. To disallow opposition would unfairly prejudice defendants who were never on notice of such a motion. Moreover, to consider plaintiff's letter as a motion encourages a party to surreptitiously file documents as other calendar events in the hopes that a party does not appropriately oppose the request.

**SO ORDERED:**/s/  
Roanne L. Mann  
U.S. Magistrate Judge

Dated: 7/2/12

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*Although defense counsel is correct that plaintiff's counsel failed to designate his July 2, 2012 June 14<sup>th</sup> letter (DE#264) as a "motion," the Court construed it as a letter-motion regarding a discovery dispute, see Local Civ. R. 37.3(4), and, 14<sup>th</sup> and defense counsels' June 15<sup>th</sup> letters (DE#265 and 266) as their objections thereto. To the extent defendants wish to supplement their responses, they may do so by July 10, 2012.*